

**CITY OF GAUTIER
Business Agenda Item #1
Fact Sheet**

Council Meeting:
Title:

November 15, 2016
**Consideration of an amendment to the
Ordinance regarding the Keeping of Bees**

Introduced by:
Contact Person/Telephone

City Attorney

**Summary Explanation: Consideration of an amendment to the Ordinance regarding the
Keeping of Bees.**

EXHIBITS FOR REVIEW

Resolution	<input type="checkbox"/>
Ordinance	<input checked="" type="checkbox"/>
Contract	<input type="checkbox"/>
Minutes	<input type="checkbox"/>
Plan Maps	<input type="checkbox"/>
Order	<input type="checkbox"/>
Other	<input type="checkbox"/>
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Second Made by:													
Gollott	<input type="checkbox"/>	Martin	<input type="checkbox"/>	Jones	<input type="checkbox"/>	Guillotte	<input type="checkbox"/>	Vaughan	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	Colledge	<input type="checkbox"/>

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Gollott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At Large	Martin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 1	Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2	Guillotte	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3	Vaughan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4	Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 5	Colledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

ORDINANCE NUMBER 000-2016

AMENDMENT OF ORDINANCE REGARDING THE KEEPING OF BEES

WHEREAS, the Mayor and Members of the City Council of the City of Gautier adopted an Ordinance of the City Council of Gautier, Mississippi, Amending Chapter 4: Animals And Fowl, to Regulate the Keeping of Bees; and

WHEREAS, based on reliable information, the City Council finds it would be in the best interests of the City of Gautier to amend said ordinance; and

THEREFORE, the City Council hereby amends Article V, Section 4-73 of the Gautier Code of Ordinances as follows:

ARTICLE V, Section 4-73. Keeping of Bees

(a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the city of Gautier unless the bees are kept in accordance with the following provisions:

(1) *Definitions.*

- I. “Apiary” means assembly of one or more colonies of bees at a certain location.
- II. “Beekeeper” means a person who owns or has charge of one or more colonies of bees.
- III. “Colony” or “hive” means an aggregate of bees consisting of worker bees, a queen bee, drones, combs, honey, and the receptacle inhabited by the bees.
- IV. “Tract” means a contiguous parcel of real property under common ownership.

- (2) *Density.* It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
- I. Less than one-quarter acre: No colonies.
 - II. One-quarter acre or more, but less than one-half acre tract size: Four colonies.
 - III. More than one-half acre, but less than one acre tract size: Six colonies.
 - IV. One acre or larger tract size: Eight colonies per acre.
- (3) All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
- (4) Applicants must own the tract at issue, and must provide proof of ownership prior to Council consideration.
- (5) Applicants must reside on the tract at issue and must ensure the hives remain in compliance with the provisions of this ordinance.
- (6) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, the beekeeper shall install and maintain a barrier that will prevent bees from flying through it, no less than five (5) feet high, along the exterior boundary of the tract. The barrier must extend 10 feet beyond the colony in each direction.
- (7) Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

- (8) The bees and equipment shall be kept in accordance with the provisions of the laws of the State of Mississippi.
- (b) Permits for keeping bees shall be obtained by application to the City Council of Gautier and consideration during public meeting. Applications may be obtained upon request at City Hall. Notice of the application will be mailed to all residents owning parcels within 250 linear feet of the subject property no later than 15 days prior to the hearing. In considering the application, the Council may consider any relevant item, including but not limited to objections by adjoining landowners, impact of the colonies on the surrounding areas, compliance with covenants affecting the tract at issue, whether the tract spans or affects two or more subdivisions, and any other factors presented during the hearing. There is no fee for such an application or permit. Applicants may only apply for bee-keeping permits once every twelve (12) months.
- (c) A citation shall be issued to the offender and the person shall be subject to a fine of not less than \$75.00 and not more than \$250.00 plus any assessments. Violators shall not be subject to arrest or imprisonment for violation of this section, however, the municipal court shall have full authority to enforce its orders, judgments and sentences.
- (d) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box, located or kept within a school or university building for the purpose of study or observation.

SECTION 2. All provisions of the ordinances of the City in conflict with the provisions of this section shall be and the same are hereby repealed and all other provisions of the ordinances of the City not in conflict with the provisions of this section shall remain in full force and effect.

SECTION 3. Should any sentence, paragraph subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole and, to that extent, the same shall remain in full force and effect.

SECTION 4. This ordinance shall become effective thirty (30) days after passage and publication.

Thereupon, upon motion duly made by **BLANK** seconded by **BLANK** to adopt the foregoing ordinance and received the following votes:

AYES:

NAYS:

Thereupon, the Mayor declared said Ordinance approved, passed and adopted on this the th day of _____, 2016.

Gordon Gollott, Mayor

Attest: _____
Cynthia Russell
City Clerk